

FORCE REVIEW PACKAGE

OFFICE CORRESPONDENCE

Date: AUGUST 6, 2004

File No.: 004-00988-5640-058
5640-2004-0806-016

From: TRACY L. PALMER, SERGEANT
NORTH COUNTY CORRECTIONAL
FACILITY

To: ARTHUR NG, CAPTAIN
NORTH COUNTY CORRECTIONAL
FACILITY

Subject: USE OF FORCE (significant)

Involved Inmate: MORALES, FRANCISCO #7943274
Location: NCCF [redacted]
[redacted] SHOWER AREA

Date / Time: AUGUST 6, 2004 / 1715 HOURS

Involved Deputy (s):

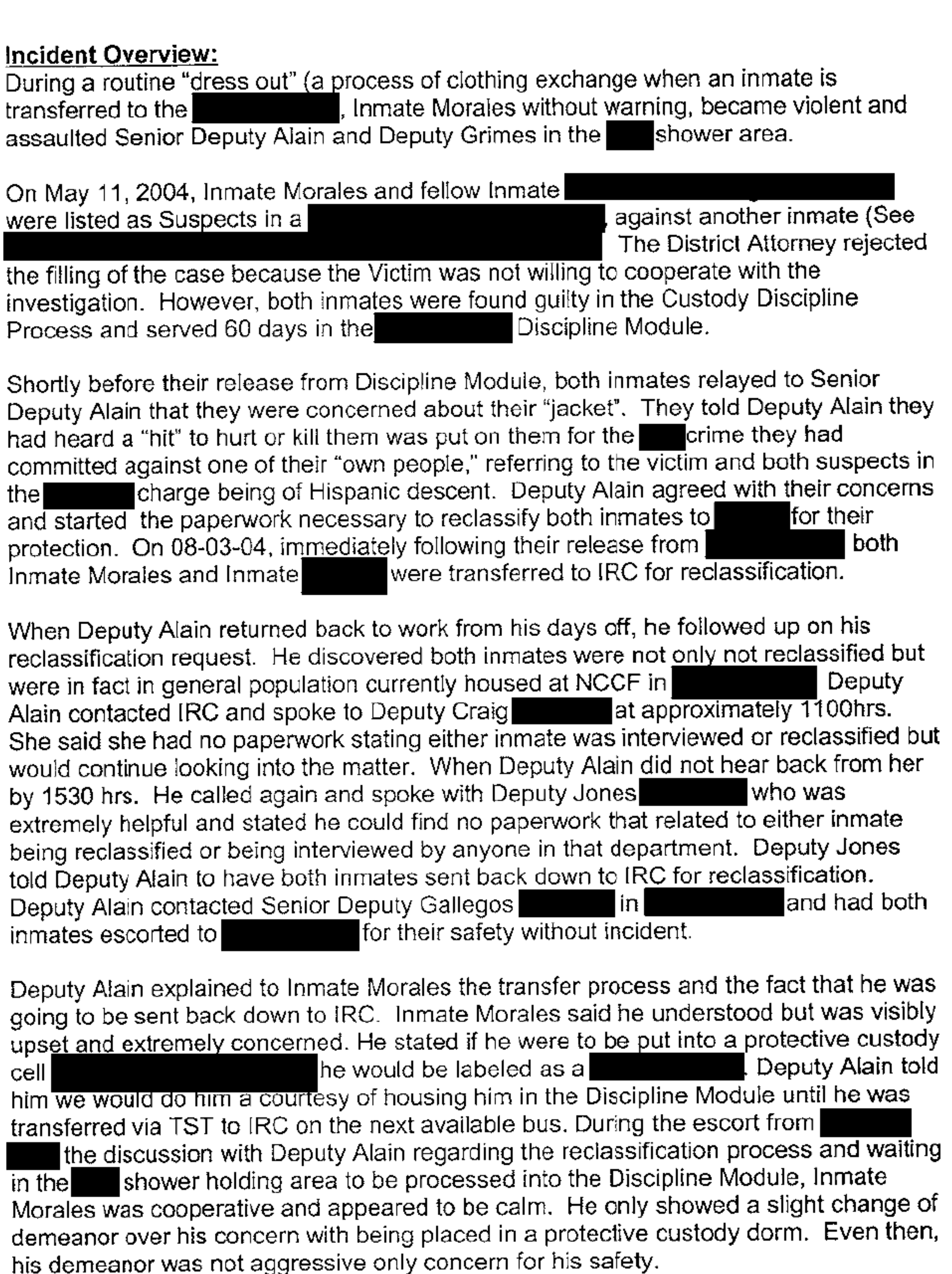
Name	Emp. #	Primary/Witness
ALAIN, LOUIS	[redacted]	PRIMARY
GRIMES, NATHAN		PRIMARY
MEDINA, REGINA		WITNESS
GONZALEZ-LAPKIN, FANNY		WITNESS
ACOSTA, REUBEN		WITNESS
ZEKO, ADAM		WITNESS
WINGART, SCOTT		WITNESS

********** SECTION I **********
TO BE COMPLETED BY SUPERVISING SERGEANT

Notify the Watch Commander **if T.D. notification is necessary** (Hospitalization, Skeletal Fracture, Vehicle/Foot Pursuit, Head Injury, Impact Weapon, Canine Bite, Death), Watch Commander Notified:

Name: LIEUTENANT R. JONSEN   Date: 08-06-04

(rev. October 2, 1996)



Incident Overview:

During a routine "dress out" (a process of clothing exchange when an inmate is transferred to the [redacted], Inmate Morales without warning, became violent and assaulted Senior Deputy Alain and Deputy Grimes in the [redacted] shower area.

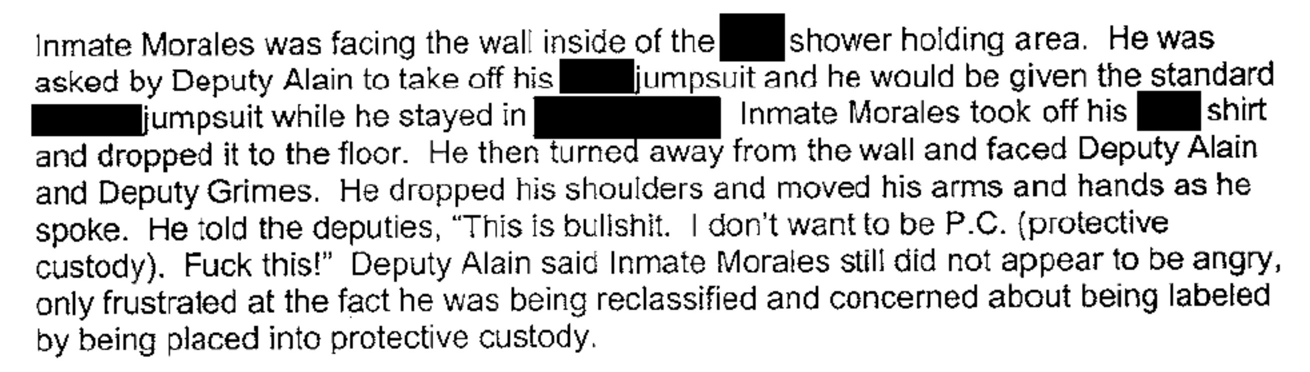
On May 11, 2004, Inmate Morales and fellow Inmate [redacted] were listed as Suspects in a [redacted], against another inmate (See [redacted] The District Attorney rejected the filling of the case because the Victim was not willing to cooperate with the investigation. However, both inmates were found guilty in the Custody Discipline Process and served 60 days in the [redacted] Discipline Module.

Shortly before their release from Discipline Module, both inmates relayed to Senior Deputy Alain that they were concerned about their "jacket". They told Deputy Alain they had heard a "hit" to hurt or kill them was put on them for the [redacted] crime they had committed against one of their "own people," referring to the victim and both suspects in the [redacted] charge being of Hispanic descent. Deputy Alain agreed with their concerns and started the paperwork necessary to reclassify both inmates to [redacted] for their protection. On 08-03-04, immediately following their release from [redacted] both Inmate Morales and Inmate [redacted] were transferred to IRC for reclassification.

When Deputy Alain returned back to work from his days off, he followed up on his reclassification request. He discovered both inmates were not only not reclassified but were in fact in general population currently housed at NCCF in [redacted] Deputy Alain contacted IRC and spoke to Deputy Craig [redacted] at approximately 1100hrs. She said she had no paperwork stating either inmate was interviewed or reclassified but would continue looking into the matter. When Deputy Alain did not hear back from her by 1530 hrs. He called again and spoke with Deputy Jones [redacted] who was extremely helpful and stated he could find no paperwork that related to either inmate being reclassified or being interviewed by anyone in that department. Deputy Jones told Deputy Alain to have both inmates sent back down to IRC for reclassification. Deputy Alain contacted Senior Deputy Gallegos [redacted] in [redacted] and had both inmates escorted to [redacted] for their safety without incident.

Deputy Alain explained to Inmate Morales the transfer process and the fact that he was going to be sent back down to IRC. Inmate Morales said he understood but was visibly upset and extremely concerned. He stated if he were to be put into a protective custody cell [redacted] he would be labeled as a [redacted]. Deputy Alain told him we would do him a courtesy of housing him in the Discipline Module until he was transferred via TST to IRC on the next available bus. During the escort from [redacted] the discussion with Deputy Alain regarding the reclassification process and waiting in the [redacted] shower holding area to be processed into the Discipline Module, Inmate Morales was cooperative and appeared to be calm. He only showed a slight change of demeanor over his concern with being placed in a protective custody dorm. Even then, his demeanor was not aggressive only concern for his safety.

At approximately 1715 hrs, Deputy Alain and Deputy Grimes contacted Inmate Morales to process him into the Discipline Module. Inmate Morales had been waiting in the [redacted] shower holding area. When Deputy Alain started talking to Inmate Morales, he was cooperative. He was questioning the reclassification process and was pleading with Deputy Alain to send him back to General Population and he would take care of himself. He was still very concerned over being labeled over the [redacted] crime allegation even though Deputy Alain told him that we would be placing him in the Discipline Module until he was transferred downtown.



Inmate Morales was facing the wall inside of the [redacted] shower holding area. He was asked by Deputy Alain to take off his [redacted] jumpsuit and he would be given the standard [redacted] jumpsuit while he stayed in [redacted] Inmate Morales took off his [redacted] shirt and dropped it to the floor. He then turned away from the wall and faced Deputy Alain and Deputy Grimes. He dropped his shoulders and moved his arms and hands as he spoke. He told the deputies, "This is bullshit. I don't want to be P.C. (protective custody). Fuck this!" Deputy Alain said Inmate Morales still did not appear to be angry, only frustrated at the fact he was being reclassified and concerned about being labeled by being placed into protective custody.

Deputy Grimes placed his hand on Inmate Morales and directed him to turn back around and face the wall. Without warning Inmate Morales raised his arms in the air (in an aggressive manner) as if he wanted to fight. Believing they were about to be attacked, Deputy Grimes attempted to take hold of Morales' arms and pulled them down by his side. Inmate Morales was able to break free from his grasp. Deputy Grimes again tried to gain control of him by wrapping his left arm around his head. Inmate Morales again managed to slip out of Deputy Grimes' grasp, spun and took a fighting stance by squaring off towards him as he raised both of his fists up in front of him.

Inmate Morales started to throw punches at Deputy Grimes. Deputy Grimes threw a punch with his left fist and hit Inmate Morales in the head. Deputy Grimes then slipped and fell to the ground in the 3'x3' shower area, at which time Inmate Morales jumped on top of his back and started to hit and kick him while as he was pinned underneath him. Deputy Grimes tried to get up and get Inmate Morales off of him by hitting his legs. He then wrapped his arms around Inmate Morales' legs in an attempt to regain a position of advantage. While Deputy Grimes was pinned down on his back, he heard Deputy Alain yell that he was applying a carotid restraint hold, at which time Deputy Grimes was able to get back up and help attempt to gain control of Inmate Morales.

Inmate Morales continued to struggle by thrashing his body back and forth, and would not comply with Deputy Grimes' commands to "stop fighting." While Deputy Alain was on top of Inmate Morale's back, administering the carotid restraint hold, Deputy Grimes tried to gain control of his right arm which he was wildly swinging in the air (attempting to injure both deputies). Inmate Morales kicked his legs back at Deputy Grimes, striking him numerous times to both legs and his left arm. Deputy Grimes hit Inmate Morales in the hip with his left fist several times causing Inmate Morales to stop kicking at him. After that, Deputy Grimes continued to work at gaining control of Inmate Morales' right

arm. He took hold of his right arm and began to pull it back, trying to handcuff him.

As Deputy Grimes pulled his arm back, Inmate Morales yanked it forward in a violent pull, attempting to break away from Deputy Grimes hold. When the suspect yanked his right arm forward, Deputy Grimes heard it snap and said it looked like it was broken. He immediately handcuffed Inmate Morales' right arm. As the deputies continually tried to gain control of Inmate Morales' left arm, he still aggressively resisted and continued to put up a fight. Deputy Grimes and Deputy Alain finally managed to pull his left arm back and handcuff both arms behind Inmate Morales' back.

Once Inmate Morales was handcuffed, Deputy Grimes and Deputy Acosta, who had arrived on scene, carried him out of the shower area and put him on the ground while he continued to struggle and fight. Due to the his continued violent reactions, Deputy Alain directed the application of the T.A.R.P (total appendage restraint procedure). After the restraint was applied, Deputy Grimes turned the suspect to his right side and checked his breathing and vital signs. Suddenly Inmate Morales started to convulse and look as though he was having an apparent seizure. Deputy Grimes immediately released the restraint from the handcuffs. His head began to jerk back and forth, hitting the concrete numerous times. Deputy Acosta held Inmate Morales' head, to keep it from hitting the ground. Deputy Alain grabbed Inmate Morales' near by property bag and place it under his head. Deputy Alain requested medical staff, myself, and the watch commander to respond to our location, via his handheld radio.

Inmate Morales was escorted to the infirmary and subsequently transported to LCMC for his injuries.

Deputies Statements:

Deputy Grimes concurred with the above information. See attached Shad-49 for further information.

Senior Deputy Alain stated the following: Inmate Morales had just been reclassified to [redacted] for his protection due to facing retaliation by other Hispanic inmates for his being named as a [redacted] suspect on another Hispanic inmate back in May 2004. Deputy Kessinger [redacted] and I escorted Inmate Morales from dorm [redacted] to the [redacted] shower area pending his being dressed out for housing in a [redacted] dorm, [redacted]

Inmate Morales calmly told me that he had already been seen at Classification and signed a waiver so that he could be housed in General Population. I told him that I was not aware of his that situation and would check with IRC to verify his story.

At approximately 1530 hours, I contacted IRC Classification Deputy Jones, Brian [redacted] to see if in fact, Inmate Morales had signed a waiver while at IRC on 08-03-04 or 08-04-04 allowing him to stay in General Population. Deputy Jones said he would check into it and call me back.

Since I had never had any problems in any of my previous contacts with Inmate Morales during his extended stay in the [redacted] regarding the [redacted] allegation, I believed that I had a established a rapport with him and felt comfortable in contacting him regarding his reclassification. I also believed that I would be able to gain his cooperation based on our past history.

Deputy Grimes and I contacted Inmate Morales in the [redacted] shower. Upon entering the [redacted] shower, I directed Inmate Morales to stand facing the wall (so I could initiate the dress out process). Inmate Morales immediately complied by removing his shirt and placing it on the floor as directed. I told Inmate Morales that I was waiting on verification from IRC and that he would have to be housed here pending my verification with IRC.

Inmate Morales calmly replied that this was all a mistake and that he could not go into [redacted] because it would do him more harm than good (it would make him look bad when he went to State Prison). I told him that I understood his situation and gave him the option to stay in [redacted] thereby giving him the opportunity to save face with his peers.

After giving him the option to stay in [redacted] he reiterated his concerns in a conversational tone and did not make a decision on either of the options I gave him. Since he was hesitant to make a decision, I told him that I would just house him in [redacted] because I believed it would be in his best interest and ours, as it was directly adjacent to where we were and afforded him what would be considered by any inmate in his position an honorable way out. Believing that he would accept my offer, I directed him to step to left, closer to the inner [redacted] shower slider by [redacted], in order to complete the dress out. After advising him of what my intentions were, Inmate Morales did not move. He stopped talking, slumped his head and shoulders down with his arms down by his side and sighed. After this brief pause, he disappointingly said, "I still think this is still a mistake, I'll be ok on the main line. I've been doing this all my life." Deputy Grimes repeated my directions as he simultaneously pointed towards the slider door and casually attempted to nudge him along by placing his hand on his shoulder.

As soon as Deputy Grimes' hand contacted Inmate Morales' right shoulder, he suddenly and with out warning, threw both his arms straight up in the air as he began to turn towards us. I saw Deputy Grimes grab hold of Inmate Morales' arms and attempt to place them behind his back by pulling them down on them. Inmate Morales broke free and Deputy Grimes immediately attempted to regain control by grabbing onto Inmate Morales upper body. He again broke free, and managed to square off, raise both his fists up and attacked Deputy Grimes by throwing punches at him.

Deputy Grimes fought back by punching Inmate Morales in the head. Inmate Morales continued to fight and both of them fell to the floor directly in front of the shower (approximately 3'X3' opening). As they fell to the floor, I heard a loud thud and could no longer see Deputy Grimes upper body as Inmate Morales had jumped on top of Deputy Grimes and was aggressively punching and kicking him.

Based on the fact that I could not see if Deputy Grimes had been dazed or rendered unconscious, and coupled with the fact Inmate Morales' was still violently attacking him, I believed Deputy Grimes was going to be even more seriously injured. I immediately jumped on top of Inmate Morales' back and began to apply the carotid restraint. Inmate Morales resisted by continuing to violently kick his legs and thrash his entire body about which caused us to end up with our upper bodies on the floor inside the shower.

Once we were partially in the shower, I was afraid of the fact that I still could not tell if Deputy Grimes was conscious because of how hard inmate Morales was still fighting. Based on the fact this situation escalated into a violent confrontation so rapidly and coupled with the fact we did not have the opportunity to call for back up via our radios, I believed that I was now alone and faced the possibility of having to fully apply the carotid restraint to render Inmate Morales unconscious if back up did not arrive soon.

While struggling on the shower floor with Inmate Morales, I yelled out, "I'm applying the carotid so Deputy Grimes would know what I was doing and get out from under inmate Morales. A few seconds later, I heard Deputy Grimes order Inmate Morales to stop fighting and to put his arm behind his back. Deputy Grimes was able to gain control of Inmate Morales right arm and told me that he had one handcuff on. Almost simultaneous to the handcuffing of his right arm by Deputy Grimes, I noticed that although he was still resisting, the intensity level had dropped enough for me to release the carotid restraint and attempt to grab his left arm so we could handcuff him.

Immediately upon releasing the carotid, and just as I grabbed his left arm, Inmate Morales' level of resistance dramatically increased which resulted in both of us having to pull his arm back to handcuff him. Once Morales was handcuffed, he was lifted up by Deputy Grimes and Deputy Acosta and placed on the floor just outside of the [redacted] shower.

Since Inmate Morales had put up such a violent fight against us, I immediately directed Deputy Grimes to apply the T.A.R.P. (Total appendage restraint procedure) in order to prevent him from any further acts of violence against us. Once the T.A.RP. was secured inmate Morales was placed on his right side and Deputy Grimes monitored his vital signs.

Shortly after inmate Morales was laying on his side I saw him look around, lift his head up off the floor and slam it into the concrete floor in what appeared to be a deliberate attempted to create a head injury. I ordered him to stop, but he continued. Deputy Acosta held Inmate Morales' head down to prevent him from injuring himself. I grabbed Inmate Morales's property bag placed it under his head to further reduce the possibility of injury to his head. Once his head was cushioned by the property bag, he stopped banging his head but then suddenly started to go into what appeared to be a seizure.

I immediately requested Paramedics, NCCF medical staff, Sergeant Palmer and the Watch Commander to my location. Immediately upon Nurse Lamano's [redacted] arrival, I advised her that I had applied the carotid restraint to Inmate Morales.

Immediately upon Lieutenant Jonsen and Sergeant Palmer's arrival, I notified them of the use force and my application of the carotid restraint on Inmate Morales.

At 1911 hours Deputy Jones [redacted] (IRC Classification) called me back regarding my inquiry into the validity to the waiver that Inmate Morales claimed he signed. Deputy Jones said that there was no waiver on file and that since he was not a [redacted] while at IRC 08-03-04 or 08-04-04, it would not have even been an option.

In conclusion, I believe that Inmate Morales suddenly became overwhelmed with facing the disappointment of no longer being able to live amongst the rest of the general population, coupled with the fact that he believed being a Protective Custody [redacted] (connected to the [redacted] charge) would jeopardized his reputation when he got to State Prison. I believe that he deliberately elected to fight us because he knew it would elevate his status to [redacted] thereby mitigating his Protective Custody status which will enable him to salvage his reputation due to the "Status" and "Prestige" State Prison inmate associate with [redacted]

Witness(es):

NAME	EMP.#
Custody Assistant Gonzalez-Lapkin, Fanny	[redacted]
Deputy Medina, Regina	
Deputy Zeko, Adam	
Deputy Wengert, Scott	

Custody Assistant Gonzalez-Lapkin stated:

While working [redacted] I walked over to the [redacted] shower area, where Deputy Grimes and Senior Deputy Alain were talking to Suspect Morales. As I was standing outside the [redacted] shower, I heard Suspect Morales question Senior Alain on why he was going to be housed as a [redacted]. Sr. Alain tried to explain to Suspect Morales why he was being housed in [redacted] I heard Suspect Morales say, "This is bullshit. It's all your fault Alain. Fuck this! I don't want to be P.C.!" Suspect Morales didn't appear upset, but rather looked disappointed. At that point, I called Deputy Acosta who was at the [redacted] staff station to come over to the [redacted] shower.

I walked over to the [redacted] Sergeant's office to look for the taser in case it was needed. As I walked out of the Sergeant's office I saw Suspect Morales turn towards Deputy Grimes in a fighting stance (with his hands held in closed fists up by his head). At that point, I yelled out for Deputy Acosta. He ran to the [redacted] shower.

As I was running from the [redacted] shower to [redacted] I yelled out for Deputy Wengert (who was at the [redacted] staff station) and for Deputy Zeko (who was walking out of the [redacted] kitchen). Both Deputies Wengert and Zeko ran to the [redacted] Shower area.

I then ran into the ERT room (located inside [redacted] to find the taser. I retrieved the taser and ran back to the [redacted] shower where Suspect Morales was already handcuffed and laying on his right side. At that point I handed the taser to Deputy Wengert and I walked into [redacted] Suspect Morales wasescorted to the infirmary on a gurney by the Medical staff.

Deputy Medina stated:

I was standing at the control panel for the [redacted] shower doors inside [redacted] Senior Deputy Alain instructed me to open the outer slider of the [redacted] shower so that he and Deputy Grimes could enter the shower area to speak with Inmate Morales. I saw Deputy Grimes position himself to the left side of Inmate Morales with Senior Deputy Alain to the right side. At this time, Inmate Morales had his back to the deputies and was facing the wall. I saw Inmate Morales attempt to turn toward the deputies. I saw Deputy Grimes try to control Inmate Morales' arms in an attempt to turn him back toward the wall. Deputy Grimes and Inmate Morales started to struggle causing them both to fall into the shower and out of my view. I saw Senior Deputy Alain enter the shower area also out of my view.

I heard CA Gonzalez calling Deputies Acosta and Wengert to assist in the [redacted] shower area. I saw both deputies enter the [redacted] shower area out of my view. I then saw Inmate Morales handcuffed on the floor outside of the [redacted] shower area. I heard an unknown deputy yell out to call the infirmary because Inmate Morales was having a seizure. I immediately telephoned the infirmary for medical assistance. I saw two medical staff personnel arrive with a gurney. Inmate Morales was placed on the gurney and taken to the infirmary for further medical assistance.

Deputy Zeko stated:

I was walking out of the [redacted] kitchen when I heard a commotion coming from the [redacted] shower area. I heard CA Gonzalez-Lapkin call for Deputy Acosta's assistance to the [redacted] shower. I ran to the [redacted] shower area and saw Senior Deputy Alain and Deputy Grimes on the floor wrestling with an inmate, later identified as Inmate Morales. I heard Deputy Grimes say several times to Inmate Morales to "stop fighting". The shower was too small for myself or Deputy Acosta to assist Senior Deputy Alain and Deputy Grimes. I saw Senior Deputy Alain and Deputy Grimes handcuff Inmate Morales and with the help of Deputy Acosta walk Inmate Morales out of the [redacted] shower area and lay him on the floor.

Senior Deputy Alain ordered Deputy Grimes to apply the T.A.R.P. Deputy Grimes was able to secure Inmate Morales without further incident. Deputies Acosta and Grimes rolled Inmate Morales on his right side. Inmate Morales appeared to be having a seizure. Senior Deputy Alain notified [redacted] via Sheriff's radio, to have paramedics to respond to the facility. Facility Medical staff responded to our location and began treatment on Inmate Morales and transported him to the infirmary for further treatment.

Deputy Wengert stated:

While working Staff Station [redacted] I heard Custody Assistant Gonzalez-Lapkin yell my name from [redacted] I ran in that direction and could hear commotion in the [redacted] Shower. I ran to the shower area and saw Deputy Grimes, Deputy Acosta and Senior Deputy Alain escort S/ Morales to his feet and walk him out of the [redacted] shower area, where he was rested on the floor on his stomach. I retrieved the taser from Custody Assistant Gonzalez-Lapkin and stood by in case its use was directed. Deputy Grimes applied a T.A.R.P. to S/Morales, at the direction of Sr. Alain.

While S/ Morales laid on the ground awaiting medical staff, he began to have a seizure. Sr. Dep. Alain immediately called for [redacted] Sergeant Palmer, and Lieutenant Jonsen to respond via sheriff radio. Deputy Acosta placed Morales' property bag under his head, to protect it from hitting the ground. NCCF Medical Staff arrived and took over with the medical treatment. S/ Morales was escorted to the infirmary without further incident. I stood by in the Infirmary with the taser until the transporting Deputies arrived.

<u>Involved Inmate(s):</u> **Morales, Francisco #7943-274**

Inmate:	a) Do you have any injuries?	Yes [X] No [ ]
	b) What is the nature of your injury(s)?	See Below
	c) Do you want medical treatment?	Yes [X] No [ ]

Statement(s):

I interviewed Inmate Morales on videotape on 08-06-04 at 17:40 hours in the infirmary with Lt. Jonsen present. Inmate Morales told us he had been escorted to the [redacted] building earlier in the day for reclassification. He said Senior Alain had told him that he was supposed to have been reclassified to a [redacted] status (for his protection in relation to the [redacted] charge and the threat on his life), when he was transferred downtown several days prior. Inmate Morales said he tried to explain to Senior Deputy Alain that he would be able to take care of himself and did not want to be reclassified.

I asked Inmate Morales to tell me what had happened in the [redacted] shower area of building [redacted] He told us that his conversation with Senior Deputy Alain and Deputy Grimes was "calm." He said he does not remember anything about his assault on the

deputies. He stated, "Everyone was calm and then I just remember being here. I don't know what happened". Lieutenant Jonsen asked Inmate Morales if he remembered yelling at Deputy Grimes when he was being escorted on the gurney to the infirmary. He stated, "I don't remember."

Physical Observations, Injuries, etc.:

I saw Inmate Morales had a swollen right elbow that appeared to be dislocated. His right shoulder was slightly swollen and bruised. He had several small abrasions under both of his eyes and his right cheek appeared to be slightly swollen. He had a small abrasion on his left shin and his fingers and knuckle area of his left hand were swollen. Lieutenant Jonsen asked Inmate Morales if he had ever had a violent reaction during his seizures. Inmate Morales stated that he did not know because he had never had a seizure before.

Medical Staff Interviewed by Sergeant T. Palmer

Name: Nurse Lamano Emp [redacted]

Date: 08-06-04 Time: 1740 Location: Infirmary

Are the Inmate's injuries consistent
with the force reported? . . . . Yes [X] No [ ]
Comments/Evaluation:

Nurse Lamano treated Inmate Morales for a seizure [redacted]

Training:

In my opinion, this matter requires
Unit/Division training review . . . . Yes [ ] No [x]

Comments: None

Causal Factors:

(Consider whether the Deputy(s) initial involvement meets current Dept/legal/reasonableness standard)

The deputies actions were within Department standards and legal guide lines. Inmate Morales was extremely cooperative and Senior Deputy Alain had a rapport with him during his 60 day stay in [redacted] Discipline Module with no incidents of insubordination. Inmate Morales' assaultive and aggressive behavior was unexpected. Both Senior Deputy Alain and Deputy Grimes handled the sudden change of threat level with extreme expertise.

Tactics:

The tactics used by personnel in this incident were appropriate for the situation? Yes [X] No [ ]

Comments: None

Equipment:

In my opinion, this incident requires equipment review? . . . . Yes [ ] No [X]

Comments: None

Defenses/Conflicting Summary: None

Summary:

I feel the deputies actions were appropriate. The element of a surprise, vicious assault against them was met with immediate response. They were both able to eventually gain control of the suspect using departmentally approved force techniques they had practiced and were confident at using.

The responding deputies realized as the assault continued in the shower area, there was no where for them to help Deputy Alain and Deputy Grimes until it was clear Inmate Morales had been subdued. Had they attempted to jump into the situation, due to the small 3'x3' space, it would have created more kayos during the assault and possibly prolonged the deputies ability to subdue Inmate Morales.

In speaking with Senior Deputy Alain after this incident, we strongly believe Inmate Morales premeditated his assault against the deputies. He had made it clear to Deputy Alain on several occasions during their discussions that he did not want to be reclassified from general population to [redacted] status, even though his life was being threatened behind the [redacted] charge. He believed the [redacted] status behind a felony [redacted] assault charge would jeopardize his reputation in the State Prison system. In his mind, if he had to be reclassified a [redacted], he would rather have it appear that the [redacted] classification was for fighting with deputies rather than have it be related in any way to the threats on his life in relation to the [redacted] charge.

Deputy Alain told me he believed Inmate Morales faked his seizure after the assault to excuse his violent behavior. It is common knowledge that some people who have a history of seizures, behave in a violent manner before and during the actual seizure. We believe Inmate Morales had knowledge of this fact. Deputy Alain said after they restrained Inmate Morales when he was laying on the ground, he looked up at Deputy Alain and as if in a deliberate manner, and began slamming his head against the floor all while keeping eye contact with Deputy Alain. He ordered Inmate Morales to stop banging his head against the ground but he continued. When Deputy Alain placed

Inmate Morales' property bag under his head to avoid any additional injury, he looked around as if to think about what to do next to continue his seizure appearance. He then suddenly began to shake his legs and arms, as if convulsing, however the rest of his body showed no signs of movement. As stated above, a check of Inmate Morales' medical history [redacted].

When Inmate Morales was being escorted on the gurney to the infirmary from the [redacted] Building, he raised his head and yelled at Deputy Grimes, Lieutenant Jonsen and myself, "are you happy now?" He appeared to be extremely coherent and still belligerent. He showed no signs of being unconscious and appeared to be completely aware of his surroundings.

In conclusion, I feel Inmate Morales did not want to be reclassified as a [redacted] status unless it was for assaulting a deputy. He faked a seizure to explain his violent assault against the deputies and then stated he had no recollection of the entire incident. The deputies did an outstanding job of controlling Inmate Morales as quickly as possible and with complete professionalism. When Inmate Morales began to appear to have a seizure, even though the deputies believed it was an act, they reacted to Inmate Morales' needs and secured him in the safest way possible while waiting for the medical staff to arrive.

********** SECTION II *********
TO BE COMPLETED BY WATCH COMMANDER

WATCH COMMANDER'S REVIEW

T.D. Notification:

Required per force policy . . . . Yes [X] No [ ]

If Yes, Who notified: Lieutenant Jennings Time: 1745

Involved Inmate(s):

Inmate: a) Do you have any injuries? . . . . Yes [X] No [ ]

b) What is the nature of your injury(s)? See above

c) Do you want medical treatment? . . . . Yes [X] No [ ]

Statement(s): See above statements written by Sergeant Palmer

Observations:

I saw Inmate Morales had a swollen right elbow that appeared to be dislocated or broken. His right shoulder was slightly swollen and bruised. He had several small abrasions under both of his eyes and his right cheek appeared to be slightly swollen. He had a small abrasion on his left shine and his fingers and knuckle area of his left hand were swollen.

Defenses / Conflicting Information: None

Policy:

A. In my opinion, this matter requires policy review? . . . . Yes [ ] No [X]

Comments:

B. In my opinion, other Departmental Policies and Procedures were followed? . . . . Yes [X] No [ ]

Comments:

Findings/Recommendation:

Is further investigation necessary? . . . . Yes [ ] No [X]

Conclusion:

I concur with Sergeant Palmer's summary. Both deputies used techniques that

were appropriate for the situation. They escalated when necessary, continually re-evaluated Morales aggression and responded accordingly.

We debriefed the incident and talked about the importance of radio communication (informing the rest of the facility that a deputy is in a fight). Personnel were also reminded that after a suspect has been tarped, it is preferable that they are placed on their left side (better circulation to the heart).